

REMARKS

The Examiner is thanked for his examination of the application and allowance of claims 1, 5, 7, 12, 21 and 48-49. Claims 25-47 were withdrawn and will be the subject of a continuation-in-part application.

Reexamination of this application is requested. Claims 2-4, 6, 8-11, 13-20 and 22-24 were objected to under 37 C.F.R. §1.75(c) as being improper dependent form since they allegedly included article limitations in process or method claims. Claim 2-4, 6, 8-11, and 13-20 were amended to further include method limitations in the dependent claims. In particular, and for example, in claim 2 the method has been amended to use the terms "further providing" and other similar terms. The basis for the language is in its independent claim 1, second paragraph, where it states providing a duct. Claim 2 now calls for "further providing said duct in a tubular shape and in a generally first oval...". In short, the method for providing the duct has been amended to further set forth the method of how it was provided. While the provision in the method of providing has been changed so that there is structural change in the material that was provided, it is still a step of providing. The other dependent claims have been similarly amended.

Claims 22-24 were rejected as further including article limitations in a method claim. Claim 22 has been amended again to insert the term "further providing" as a further limitation of the providing step. Claims 23 and 24 are respectfully submitted to including multiple steps in a method claim and for that reason should not be rejected as just including structural limitations. In particular, claim 23 states further

including the "steps of providing", "adjusting said opening" and further "adjusting said adjustable opening". All of these limitations are method limitations. Similarly, claim 24 has the same type of language. Accordingly, both claims 23 and 24 are giving more specific methods of forming the claimed subject matter and should not be rejected as a matter of form.

In general, all of the objections to the limitations should have been met. The steps of providing or further providing are more specific steps set forth in the dependent claims. They are more specific method steps than the original "providing" step.

It is submitted that the case is in condition for allowance and that action is requested.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33399.

Respectfully submitted,

PEARNE & GORDON LLP

By: David B. Deima
David B. Deima, Reg. No. 22841

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: April 26, 2004